



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Thuy Pham BEIER

Application Number: 09/866,261

Group Art Unit: Not Assigned

Filed: May 25, 2001

Examiner: Not Assigned

Title: Viral Detection System

Attorney Docket No.: TPB-001D1

REQUEST FOR RECONSIDERATION OF HOLDING OF ABANDONMENT

Assistant Commissioner for Patents

ATTN: Doshie Day

Mail Stop OIPE

P.O. Box 1450

Alexandria, VA 22313

Dear Ms. Day:

In response to the Notice of Abandonment mailed on December 1, 2003 in connection with the above-referenced application, the Applicant respectfully requests a withdrawal of the holding of abandonment because there was in fact no abandonment. *See* MPEP 711.03. In summary, according to a first returned postcard received from the Office of Initial Patent Examination (OIPE), the USPTO received the Applicant's corrected application papers sent in response to the Office's Notice to File Corrected Application Papers, dated August 2, 2002. Therefore, the Applicant respectfully asks that the holding of abandonment be withdrawn.

The Applicant has been diligent to ensure that the above-referenced application was not abandoned. On August 2, 2002, the OIPE mailed a Notice to File Corrected Application Papers (Exhibit A). In response, the Applicant filed fully responsive, corrected application papers on September 6, 2002, under a separate cover letter (Exhibit B) and with an accompanying post card. Just three days later, the OIPE stamped Applicant's post card (Exhibit C), which it received on September 9, 2002, and returned it to the Applicant.

In follow up, the Applicant then sent the Office a first status inquiry letter (Exhibit D) on January 23, 2003, which was also received by the PTO, as indicated by a second returned post card (Exhibit E). The Applicant additionally sent a second status

inquiry letter on May 21, 2003, to which the PTO responded on June 6, 2002 as follows:

We project that this application will be first examined in 3 to 6 months from today.

(Exhibit G). Thus, the Applicant submits that the application has not been abandoned, and moreover, that the Applicant has diligently moved prosecution of the above-referenced application forward. For reasons unknown, the PTO nevertheless mailed the Applicant a Notice of Abandonment (Exhibit H) on December 1, 2003. Therefore, in accordance with MPEP 711.03, which states that "when advised of the abandonment of his or her application, applicant may [...] ask for reconsideration of such holding, if he or she disagrees with it on the basis that there is no abandonment in fact[...]," the Applicant hereby respectfully requests that the above-referenced holding of Abandonment be withdrawn.

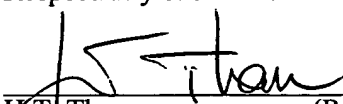
The Applicant also requests that the resulting delay, which was not caused by the Applicant, be credited towards a patent term extension under 35 USC § 154 if and when corresponding claims issue.

In case the corrected application in question has been misplaced or lost, the Applicant also includes an additional copy of the corrected specification that was sent on September 6, 2002 and respectfully asks that it be examined as soon as possible.

No fee is due for this submission. Please debit any underpayment of fees to deposit account 50-1980.

Respectfully submitted

Date: 12/11/2003


H.T. Than (Reg. No. 38,632)
Attorney for Thuy D. Pham, Ph.D.
Waterfront Center
1010 Wisconsin Ave., Suite 560
Washington, D.C. 20007
(202) 363-2620 (telephone)

Enclosure

CERTIFICATION UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in the envelope addressed to: Assistant Commissioner for Patents, ATTN: Doshie Day, Mail Stop OIPE, P.O. Box 1450, Alexandria, VA 22313, on December 10, 2003.

H.T. Than		38,632	12/11/2003
(Name)	(Signature)	(Reg. No.)	(Date of Signature)

Application No. 09/866,261

Exhibit A



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/866,261	05/25/2001	Thuy Pham Beier	TPB-001D1

H.T. Than Law Group
Sutton Executive Center
Suite 350
3201 New Mexico Avenue
Washington, DC 20016



CONFIRMATION NO. 8078

FORMALITIES LETTER



OC000000008567592

Date Mailed: 08/02/2002

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52 because:
 - Papers contain improper margins. *Each sheet must have a left margin of at least 2.5 cm (1") and top, bottom and right margins of at least 2.0 cm (3/4")*

*A copy of this notice **MUST** be returned with the reply.*

File

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



Enokit B.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Thuy Pham BEIER

Application Number: 09/866,261

Group Art Unit: 1631

Filed: May 25, 2001

Examiner: Siu, S.

Title: Viral Detection System

Attorney Docket No.: TPB-001D1

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

Assistant Commissioner for Patents
Washington, D.C. 20231

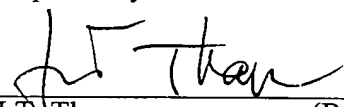
Dear Sir:

In response to the Notice to File Corrected Application Papers mailed on August 2, 2002 in connection with the above-referenced application, attached please find a substitute specification in compliance with 37 C.F.R. 1.52. No new matter is added.

No fee is due for this submission. Please debit any underpayment of fees to deposit account 50-1980.

Respectfully submitted

Date: 9/6/2002


H.T. Than (Reg. No. 38,632)
Attorney for Thuy D. Pham Beier, Ph.D.
3201 New Mexico Ave., N.W. Suite 350
Washington, D.C. 20016
(202) 363-2620 (telephone)

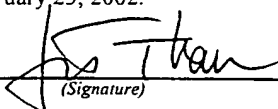
Enclosure

CERTIFICATION UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in the envelope addressed to: Commissioner of Patents and Trademarks or the Assistant Commissioner for Patents, Washington, D.C. 20231, on February 25, 2002.

H.T. Than

(Name)


(Signature)

38,632

(Reg. No.)

9/6/02

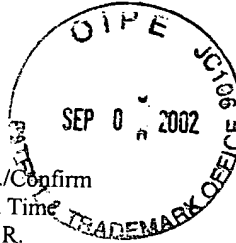
(Date of Signature)

Exhibit C

Express Mail No. _____
Date Mailed 6 September 2002
Ser. No. 09/866,261
Inventors: Thuy Pham Beier

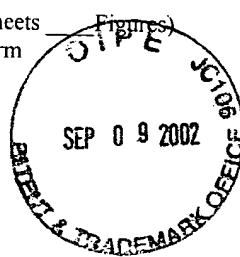
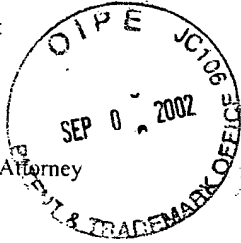
First Class Mail (X)

Filed: May 25, 2001
Title: Viral Detection System



- ☐ Affidavit/Declaration
- ☐ Preliminary Amendment
- ☐ Application Pages
- ☐ Appeal, Notice of
- ☐ Assignment
- ☐ Brief (in triplicate)
- ☐ Declaration & Power of Attorney
- ☐ Design Application
- ☐ Disclaimer
- ☐ Disclosure Statement
 - ☐ w/refs.
 - ☐ w/o refs.

- ☐ Drawings Formal (____ Sheets ____ Figures)
- ☐ Fee Address Indication Form
- ☐ Fee Transmittal
- ☐ Issue Fee Transmittal
- ☐ Letter



- ☐ Oral Hearing Req./Confirm
- ☐ Petition to Extend Time
- ☐ Pet. under 37 C.F.R.
- ☐ Power of Attorney
 - ☐ Associate Power of Attorney w/Revocation
- ☐ Response to Trademark Action
- ☐ Sequence Listing ☐ CRF Diskette
 - ☐ Paper Copy
- ☐ Small Entity Statement
- ☐ Status Letter
- ☐ Utility Patent Application Transmittal Letter
- ☐ Trademark Application for Registration
 - ☐ (with Drawing Page)

- ☒ Other: 1. Request for Refund
- 2. Response to Notice to File
- Corrected Application Papers

File No. TPB-001D1

Exhibit D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Thuy Pham Beier

Application No.: 09/866,261

Group Art Unit: 1631

Filed: May 25, 2001

Examiner: not yet assigned

For: VIRAL DETECTION
SYSTEM

Attorney Docket No.: TPB-001D1

REQUEST FOR STATUS INQUIRY

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant respectfully requests that the Examiner advise the current status of the above captioned application.

No fee is believed due in connection with this request.

Respectfully submitted,

Date 1-23-2003

H.T. Than

(Reg. No. 38,632)

3201 New Mexico Avenue, NW, Suite 350
Washington, DC 20016
(202) 363-2620

pro called
2/19/02
case is still in
re-exam
called pro on
2/27/02 -
they have not
processed the
3/6/02 pro

Enclosure

CERTIFICATION UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in the envelope addressed to: Commissioner of Patents and Trademarks or the Assistant Commissioner for Patents, Washington, D.C. 20231, on 1-23-2003.

H.T. Than
(Name)

(Signature)

38,632
(Reg. No.)

1-23-2003
(Date of Signature)

Exhibit E

VIA EXPRESS MAIL/FIRST CLASS

Serial No. 09/866,261

Filed: May 25, 2001

Applicant: Thuy Pham Beier

Title: VIRAL DETECTION SYSTEM

- ☐ Affidavit/Declaration
- ☐ Amendment
- ☐ Application

No. of Pages: _____

No. of Claims: _____

- ☐ Appeal. Notice of
- ☐ Executed Assignment
- ☐ Brief (in triplicate)
- ☐ Unexecuted Declaration/Power of Attorney
- ☐ Design Application
- ☐ Disclaimer
- ☐ Disclosure Statement
 - ☐ w/refs.
 - ☐ w/o refs.
- ☐ Informal Drawings
 - Sheets _____
 - Figures _____



- ☐ Fee Address Indication Form
- ☐ Fee Transmittal
- ☐ Issue Fee Transmittal
- ☐ Letter
- ☐ Oral Hearing Req./Confirm
- ☐ Petition to Extend Time
- ☐ Petition under 37 C.F.R.
- ☐ Power of Attorney
- ☐ Associate Power of Attorney w/Revocation
- ☐ Request for Non-Publication
- ☐ Response to Notice to File Missing Parts
- ☐ Response to an Office Action
- ☐ Sequence Listing
 - ☐ Computer Readable Diskette
 - ☐ Paper Copy
- ☐ Small Entity Statement
- ☒ Status Letter
- ☐ Transmittal Letter
- ☐

Attorney Ref.: TPB-001D1

Exhibit F

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Thuy Pham Beier

Application No.: 09/866,261

Group Art Unit: 1631

Filed: May 25, 2001

Examiner: not yet assigned

For: VIRAL DETECTION
SYSTEM

Attorney Docket No.: TPB-001D1

SECOND STATUS INQUIRY

Mail Stop: unknown
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests that the Examiner advise the current status of the above captioned application. This is the second status inquiry

No fee is believed due in connection with this request.

Respectfully submitted,

Date

21 May 2003

H.T. Than

H.T. Than (Reg. No. 38,632)

3201 New Mexico Avenue, NW, Suite 350
Washington, DC 20016
(202) 363-2620

CERTIFICATION UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in the envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 21 May 2003

H.T. Than

(Name)

H.T. Than

(Signature)

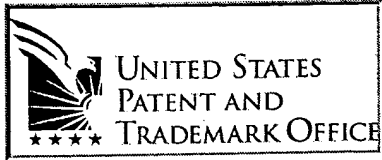
38,632

(Reg. No.)

5/21/2003

(Date of Signature)

TPD-271.D1
Exhibit 6



United States Patent And Trademark Office

Commissioner For Patents

United States Patent And Trademark Office

Washington, D.C. 2023

www.uspto.gov

Date: 6/2/03

H.T. Than Law Group
Sutton Executive Center
Suite 350
3201 New Mexico Avenue
Washington DC 20016

To: Applicant of Serial Number 09866261

We project that this application will be first examined in 3 to 6 months from today.

Customer Service Office in Technology Center: 1700

Phone Number: 703-306-5665

FAX Number: 703-872-9309

Applicant/Attorney Contact Information:

Telephone: (202)363-2620

Fax: (202)363-3490

Exhibit H



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/866,261	05/25/2001	Thuy Pham Beier	TPB-001D1

CONFIRMATION NO. 8078

ABANDONMENT/TERMINATION
LETTER

OC000000011382449

H.T. Than Law Group
 Sutton Executive Center
 Suite 350
 3201 New Mexico Avenue
 Washington, DC 20016

Date Mailed: 12/01/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 08/02/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/866,261	05/25/2001	Thuy Pham Beier	TPB-001D1

CONFIRMATION NO. 8078

ABANDONMENT/TERMINATION
LETTER

OC000000011382449

H.T. Than Law Group
 Sutton Executive Center
 Suite 350
 3201 New Mexico Avenue
 Washington, DC 20016

Date Mailed: 12/01/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 08/02/2002.

- No reply was received.

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Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE